

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

BILLY RAY RUSS,        # 106835,        )  
    )  
    )  
Petitioner,                                      )  
    )  
    )  
v.    )     CASE NO. 1:18-CV-733-WKW  
    )     [WO]  
DONALD VALENZA, Sheriff, *et al.*,        )  
    )  
    )  
Respondents.                                      )

**ORDER**

On June 5, 2019, the Magistrate Judge filed a Recommendation to which no timely objections have been filed. (Doc. # 44.) After an independent review of the record and upon consideration of the Recommendation, it is ORDERED that:

- (1) The Magistrate Judge's Recommendation (Doc. # 44) is ADOPTED; and
- (2) Petitioner Billy Ray Russ's 28 U.S.C. § 2254 petition for writ of habeas corpus is DISMISSED without prejudice.

Final judgment will be entered separately.

DONE this 27th day of June, 2019.

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/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE